

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELICIA HARPER,

Plaintiff,

-against-

YORK HOME CARE,

Defendant.

**CIVIL ACTION NUMBER:
10-Civ-5513(JSR)**

**ANSWER WITH
AFFIRMATIVE DEFENSES**

Defendant York Home Care ("Defendant"), by its attorneys, Peckar & Abramson, P.C., hereby answers the Complaint of Plaintiff as follows:

I. PARTIES IN THIS COMPLAINT

I. Defendant admits the allegations contained in Paragraphs "IA," "IB" and "IC" of the Complaint.

II. STATEMENT OF CLAIM

II. Defendant denies the allegations contained in Paragraphs "IIA," "IIB," "IIC," "IID," and "IIE" of the Complaint.

III. EXHAUSTION OF FEDERAL ADMINISTRATIVE REMEDIES

III. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs "IIIA," "IIIB" and "IIIC" of the Complaint.

LAW OFFICES

**Peckar &
Abramson**

A Professional Corporation

IV. RELIEF

IV. Defendant denies the allegations contained in Paragraph "IV" of the Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

2. Plaintiff's claims are barred by the doctrine of unclean hands.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

3. Plaintiff's claims are barred by the applicable statute of limitations.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

4. Plaintiff's Complaint has been filed in the wrong vicinage of the New York State Federal Courts.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

5. Plaintiff is barred from recovery for failure to mitigate damages.

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WHEREFORE, Defendant York Home Care demands judgment dismissing the Complaint in its entirety with prejudice, together with costs of this action, reasonable attorney's fees and such other and further relief as the Court deems just and proper.

PECKAR & ABRAMSON, P.C.
Attorneys for Defendant
York Home Care
41 Madison Avenue, 20th Floor
New York, New York 10010
(212) 382-0909

By: 
AARON C. SCHLESINGER (AS-8744)

Dated: New York, New York
October 25, 2010

To: Felicia Harper Pro Se
101-20 94th Street
Ozone Park, New York 11416

LAW OFFICES

**Peckar &
Abramson**

A Professional Corporation

CERTIFICATION OF SERVICE

I hereby certify that on October 25, 2010 I served the within Answer with
Affirmative Defenses via federal express overnight mail upon:

Felicia Harper Pro Se
101-20 94th Street
Ozone Park, New York 11416



AARON C. SCHLESINGER

Dated: New York, New York
October 25, 2010

LAW OFFICES

**Peckar &
Abramson**

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